



Reprinted
March 1, 2005

HOUSE BILL No. 1556

DIGEST OF HB 1556 (Updated March 1, 2005 12:06 am - DI 77)

Citations Affected: IC 29-2.

Synopsis: Anatomical gifts. Requires a coroner to attempt to facilitate permission for transplantation of organs, tissues, and eyes. Establishes procedures that a pathologist must follow if the pathologist considers withholding organs or tissues. Requires the procurement organization to provide reimbursement for the cost of organ removal if the pathologist is required to be present to examine the decedant. Provides that if a procurement organization has an agreement to perform anatomical gift services at a hospital the procurement organization is considered the donee for gifts from patients who die at the hospital.

Effective: July 1, 2005.

Becker, Grubb, Welch

January 18, 2005, read first time and referred to Committee on Public Health.
February 17, 2005, amended, reported — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed.

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HB 1556—LS 7643/DI 77+



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March 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1556

A BILL FOR AN ACT to amend the Indiana Code concerning anatomical gifts.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 29-2-16-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except where the
3 context clearly indicates a different meaning, the terms used in this
4 chapter shall be construed as follows:
5 (a) "Bank or storage facility" means a facility licensed, accredited,
6 or approved under the laws of any state for storage of human bodies or
7 parts thereof.
8 (b) "Decedent" means a deceased individual and includes a stillborn
9 infant or fetus.
10 (c) "Donor" means an individual who makes a gift of all or part of
11 ~~his~~ **the decedent's** body.
12 (d) "Hospital" means a hospital licensed, accredited, or approved
13 under the laws of any state. **The term** includes a hospital operated by
14 the United States government, a state, or a subdivision thereof,
15 although not required to be licensed under state laws.
16 (e) "Part" means organs, tissues, eyes, bones, arteries, blood, other
17 fluids, and any other portions of a human body.

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(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

(h) "Procurement organization" means an organization qualified to recover anatomical gifts from donors.

~~(h)~~ (i) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

SECTION 2. IC 29-2-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; ~~or~~

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; ~~or~~

(3) any ~~bank~~ **procurement organization** or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by ~~him~~ **the individual**.

SECTION 3. IC 29-2-16-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) A coroner ~~may release and permit shall attempt to facilitate permission for the removal of a part from a body organs, tissues, or eyes within the coroner's custody, for transplantation, therapy, only, or research by providing information to or seeking information from the procurement organization that would assist the procurement organization in the evaluation of the viability for transplantation of any organ, tissue, or eye if all of the following occur:~~

(1) The coroner receives a request ~~for a part~~ from a hospital, physician, surgeon, or procurement organization.

(2) The coroner makes a reasonable effort, taking into account the useful life of a part, to locate and examine the decedent's medical records and inform individuals listed in section 2(b) of this chapter of their option to make or object to making a gift under this chapter.

(3) The decision to allow the removal of organs, tissues, or

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eyes is based on a medical decision made by the pathologist or forensic pathologist. If the pathologist or forensic pathologist considers withholding one (1) or more organs or tissues of a potential donor, the pathologist or forensic pathologist:

(A) shall be present during the removal of the organs or tissues;

(B) may request a biopsy of the removed organs; and

(C) after viewing the removed organs or tissues and determining that removal may interfere with the death investigation, may prohibit removal and shall provide a written explanation to the procurement organization.

If it is determined that prior removal will interfere with the death investigation, the procurement organization may remove the tissues and eyes after the autopsy.

~~(3)~~ (4) The coroner does not know of a refusal or contrary indication by the decedent or an objection by an individual having priority to act as listed in section 2(b) of this chapter.

~~(4)~~ (5) The removal will be by:

(A) a physician licensed under IC 25-22.5; or

(B) in the case of removal of an eye or part of an eye, by an individual described in section 4(e) of this chapter; and under IC 36-2-14-19.

~~(5)~~ (6) The removal will not interfere with any autopsy or investigation.

~~(6)~~ (7) The removal will be in accordance with accepted medical standards.

~~(7)~~ (8) Cosmetic restoration will be done, if appropriate.

(9) If the pathologist or forensic pathologist is required to be present to examine the decedent before or during the removal of the parts, the procurement organization shall reimburse the pathologist or forensic pathologist for actual costs, but the amount may not exceed one thousand dollars (\$1,000). The county is not responsible for any costs incurred by the pathologist, forensic pathologist, or procurement organization under this subdivision.

(10) If requested by the coroner, pathologist, or forensic pathologist, the procurement organization shall provide a surgeon's report detailing the condition of the organs and the relationship of the organs to the cause of death, if any.

(b) If the body is not within the custody of the coroner, the ~~medical examiner~~ pathologist or forensic pathologist may release and permit the removal of any part from a body in the ~~medical examiner's~~ custody

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1 for transplantation or therapy if the requirements of subsection (a) are
2 met.

3 (c) A person under this section who releases or permits the removal
4 of a part shall maintain a permanent record of the name of the
5 decedent, the individual making the request, the date and purpose of
6 the request, the body part requested, and the person to whom it was
7 released.

8 SECTION 4. IC 29-2-16-6.5 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2005]: **Sec. 6.5. (a) Except for a gift made by a donor to a specific**
11 **donee, a procurement organization that holds an agreement with**
12 **a hospital to perform anatomical gift donation services for the**
13 **hospital under 42 U.S.C. 1329b-8 and 42 CFR Part 482 is**
14 **considered to be the donee of all gifts from patients who have died**
15 **in the hospital.**

16 (b) An investigation by a coroner or a medical examiner does
17 not change the rights of a procurement organization to act as the
18 donee.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1556, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning anatomical gifts.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 29-2-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except where the context clearly indicates a different meaning, the terms used in this chapter shall be construed as follows:

(a) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of ~~his~~ **the decedent's** body.

(d) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state. **The term** includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(e) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids, and any other portions of a human body.

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

(h) "Procurement organization" means an organization qualified to recover anatomical gifts from donors.

~~(h)~~ **(i)** "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

SECTION 2. IC 29-2-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician for medical or dental

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education, research, advancement of medical or dental science, therapy, or transplantation; ~~or~~

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; ~~or~~

(3) any ~~bank~~ **procurement organization** or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by ~~him~~ **the individual**".

Page 1, line 2, strike "(a)".

Page 1, line 2, strike "may".

Page 1, line 3, strike "release and permit" and insert **"shall facilitate permission for"**.

Page 1, line 3, strike "a part of the body" and insert **"organs, tissues, or eyes"**.

Page 1, line 6, strike "for a part".

Page 1, strike lines 8 through 17.

Page 2, strike line 1.

Page 2, line 2, strike "individual described in section 4(e) of this chapter;"

Page 2, line 2, delete "or".

Page 2, line 3, delete "(C) a person described".

Page 2, line 3, strike "under IC 36-2-14-19."

Page 2, strike lines 4 through 17, begin a new line block indented and insert:

"(2) The medical examiner or pathologist allows the removal of the organs, tissues, or eyes. If the medical examiner or pathologist considers withholding one (1) or more organs or tissues of a potential donor, the medical examiner or pathologist:

(A) shall be present during the removal of the organs or tissues;

(B) may request a biopsy of the removed organs; and

(C) after viewing the removed organs or tissues and determining that removal may interfere with the death investigation, may prohibit removal and shall provide a written explanation to the procurement organization.

If it is determined that prior removal will interfere with the death investigation, the procurement organization may remove the tissues and eyes after the autopsy.

(3) If the medical examiner or pathologist is required to be at

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the hospital to examine the decedent before or during the removal of the organs, the procurement organization shall reimburse the county or an entity designated by the county for actual costs but the amount may not exceed one thousand dollars (\$1,000).

(4) If requested by the medical examiner or pathologist, the person who removes the organs for the procurement organization shall provide a report detailing the condition of the organs and the relationship of the organs to the cause of death, if any."

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 4. IC 29-2-16-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6.5. (a) Except for a gift made by a donor to a specific donee, a procurement organization that holds an agreement with a hospital to perform anatomical gift donation services for the hospital under 42 U.S.C. 1329b-8 and 42 CFR Part 482 is considered to be the donee of all gifts from patients who have died in the hospital.**

(b) An investigation by a coroner or a medical examiner does not change the rights of a procurement organization to act as the donee."

Page 2, delete lines 18 through 42.

Delete pages 3 through 4.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1556 as introduced.)

BECKER, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1556 be amended to read as follows:

Page 2, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 3. IC 29-2-16-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) A coroner ~~may release and permit~~ **shall attempt to facilitate permission for** the removal of ~~a part from a body~~ **organs, tissues, or eyes** within the coroner's custody, for transplantation, therapy, ~~only~~, **or research by providing information to or seeking information from the procurement organization that would assist the procurement organization in the evaluation of the viability for transplantation of any organ, tissue, or eye** if all of the following occur:

(1) The coroner receives a request ~~for a part~~ from a hospital, physician, surgeon, or procurement organization.

(2) The coroner makes a reasonable effort, taking into account the useful life of a part, to locate and examine the decedent's medical records and inform individuals listed in section 2(b) of this chapter of their option to make or object to making a gift under this chapter.

(3) The decision to allow the removal of organs, tissues, or eyes is based on a medical decision made by the pathologist or forensic pathologist. If the pathologist or forensic pathologist considers withholding one (1) or more organs or tissues of a potential donor, the pathologist or forensic pathologist:

(A) shall be present during the removal of the organs or tissues;

(B) may request a biopsy of the removed organs; and

(C) after viewing the removed organs or tissues and determining that removal may interfere with the death investigation, may prohibit removal and shall provide a written explanation to the procurement organization.

If it is determined that prior removal will interfere with the death investigation, the procurement organization may remove the tissues and eyes after the autopsy.

~~(3)~~ **(4)** The coroner does not know of a refusal or contrary indication by the decedent or an objection by an individual having priority to act as listed in section 2(b) of this chapter.

~~(4)~~ **(5)** The removal will be by:

(A) a physician licensed under IC 25-22.5; or

(B) in the case of removal of an eye or part of an eye, by an

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individual described in section 4(e) of this chapter; and under IC 36-2-14-19.

~~(5)~~ (6) The removal will not interfere with any autopsy or investigation.

~~(6)~~ (7) The removal will be in accordance with accepted medical standards.

~~(7)~~ (8) Cosmetic restoration will be done, if appropriate.

(9) If the pathologist or forensic pathologist is required to be present to examine the decedent before or during the removal of the parts, the procurement organization shall reimburse the pathologist or forensic pathologist for actual costs, but the amount may not exceed one thousand dollars (\$1,000). The county is not responsible for any costs incurred by the pathologist, forensic pathologist, or procurement organization under this subdivision.

(10) If requested by the coroner, pathologist, or forensic pathologist, the procurement organization shall provide a surgeon's report detailing the condition of the organs and the relationship of the organs to the cause of death, if any.

(b) If the body is not within the custody of the coroner, the ~~medical examiner pathologist or forensic pathologist~~ may release and permit the removal of any part from a body in the ~~medical examiner's~~ custody for transplantation or therapy if the requirements of subsection (a) are met.

(c) A person under this section who releases or permits the removal of a part shall maintain a permanent record of the name of the decedent, the individual making the request, the date and purpose of the request, the body part requested, and the person to whom it was released."

Delete page 3.

Page 4, delete line 1.

(Reference is to HB 1556 as printed February 18, 2005.)

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